

Serial No. 09/803,736

Examiner: Einsmann

REMARKS/ARGUMENT

Reference is made to the prosecution history in parent application 09/692,412 (hereinafter referred to as the "parent application"). The subject matter of both this instant application and the parent application is similar, where all of the polymorphisms disclosed in the parent application are disclosed in the instant application. In particular, reference is made to the current amendment in the parent application (a copy of which is enclosed herewith as Exhibit A) where objected-to claim 12 is rewritten in independent form to place it in condition for allowance.

Applicant respectfully requests entry of the above amendment to claims where claims 2-29 are cancelled, claim 1 is amended to specify an element characterized by "Single Nucleotide Polymorphism 471736" and new claim 30 is identical to currently-amended, objected-to claim 12 in the parent application. Cancellation of claims renders the outstanding rejections moot. Inasmuch as claim 12 should be allowable in the parent application, applicant submits that new claim 30 (being identical to said claim 12) should be allowable in the instant application.

Entry of this amendment after final rejection is respectfully requested because, in view of the examination in the parent application, there should be no burden on the PTO to enter an allowable claim in this application in view of the cancellation of the previously pending claims which significantly reduces the burden on the PTO by removing issues for appeal..

Support for the amendment to claim 1 is found in original claim 1 and in the specification at pages 40-41 (reference to storage of polymorphism features on computer readable medium) and in the Table which contains reference to Single Nucleotide Polymorphism 471736. Applicant submits that currently amended claim 1 should be in condition for allowance or at least in better condition for consideration on appeal. None of the art of record in the instant application nor the parent application teaches or suggests a method of identifying a region of genomic DNA associated with a phenotypic trait of interest as described in the currently amended claim 1 using a "collection of polymorphisms designed from features of polymorphisms listed in Table A including Single Nucleotide Polymorphism 471736 and recorded on computer readable medium."

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Support for new claim 30 is found in parent application which is incorporated by reference into this application. Applicant submits that new claim 30 should be in condition for allowance for the reasons that is allowable in the parent application.

Summary:

In view of the above remarks applicant requests entry of the amendments to claims, withdrawal of the outstanding rejections and allowance of claims 1 and 30.

Finally applicant sincerely requests an interview with the Examiner to expeditiously resolve any conflicts between this application and the parent application.

Respectfully submitted,



Thomas E. Kelley
Registration No. 29,938
Attorney for Applicant
phone: 860-572-5274